

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CRIMINAL NO. 18-30021-MJR
)	
EMMANUEL D. ABDON,)	
)	
Defendant.)	

GOVERNMENT'S MOTION IN LIMINE REGARDING RACE

Comes now the United States of America, by and through its attorneys, Steven D. Weinhoeft, United States Attorney for the Southern District of Illinois, and Angela Scott and George Norwood, Assistant United States Attorneys, and, in support of its Motion in Limine Regarding Race, states as follows:

Defendant Abdon is charged with Attempted Enticement of a Minor, Attempted Sexual Exploitation of a Minor and Travel with Intent to Engage in Illicit Sexual Conduct. The first trial was declared a mistrial because the jury was given access to evidence that was not admitted. The trial on October 30, 2018, is a retrial. In the first trial, the defendant, in closing argument on three separate occasions, raised the issue of the defendant's race as it related to his presence in Troy, Illinois. Specifically, on the first occasion the defendant argued, "Was he going to go out at 2:00 in the morning with A.F., a black man in Troy with a 13-year old white girl and buy lubricant?" Trial Tr., Vol. II, at 30. On the second occasion, the defendant argued, "Does anyone believe Emmanuel Abdon, a black immigrant from Haiti with a Haitian accent, was going to move to a town that Wikipedia ascribed as being over 95 percent white?" Trial Tr., Vol. II, at 34.

Finally, the defendant argued, “Nobody says anything else about that; not when, not where, not how will -- you know, what was he to do, leave the lights on, a black man in Troy at about 2:00 in the morning parked on the side of the road leaving his hazard lights on so she’ll see him?” Trial Tr., Vol. II, at 39. The Government respectfully requests that the defendant be prohibited from raising the issue of the defendant’s race for any purpose whatsoever as the issue of race is not relevant to any issue at trial. In addition, by arguing the fact that Wikipedia apparently ascribes Troy as 95% white, the defendant was arguing facts not in evidence because there was absolutely no evidence presented at trial to support this argument. The jury will be instructed that it is to decide this case based on the evidence, not because of anyone’s race. Just as the defendant is entitled to a fair trial, so is the Government. The Government respectfully requests that the defendant be prohibited from unfairly bringing race into this case.

WHEREFORE, the Government respectfully requests that this Court direct the defendant to refrain from unfairly bringing the issue of race into this matter.

Respectfully submitted,

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United States Attorney

s/ Angela Scott
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CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2018, I electronically filed the **Government's Motion in Limine Regarding Race** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

AFPDs Daniel G. Cronin and Judith Kuenneke

Respectfully submitted,

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